

Original

MAUPIN TAYLOR ELLIS & ADAMS, P.C.

ATTORNEYS AT LAW

RALEIGH ADDRESS
3200 BEECHLEAF COURT, SUITE 500
RALEIGH, NORTH CAROLINA 27604-1064
TELEFAX (919) 981-4300
TELEPHONE (919) 981-4000

1130 CONNECTICUT AVENUE, N.W., SUITE 750
WASHINGTON, D.C. 20036-3904
TELEFAX (202) 457-8558
TELEPHONE (202) 429-8910

ROCK HILL OFFICE
400 LAKESHORE PARKWAY, SUITE 200
ROCK HILL, SOUTH CAROLINA 29730-4264
TELEFAX (803) 324-2093
TELEPHONE (803) 324-8118

RECEIVED

JUL 29 1992

July 29, 1992

Federal Communications Commission
Office of the Secretary

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: David A. Ringer
BPH-91123OMA
Channel 280A
Westerville, Ohio

ORIGINAL

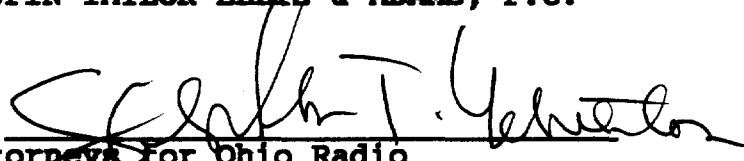
Dear Ms. Searcy:

Enclosed for filing on behalf of Ohio Radio Associates, Inc. are an original and four (4) copies of its supplement to petition to deny and dismiss the application of David A. Ringer.

Please contact the undersigned in our Washington, D.C. office.

Respectfully submitted,

MAUPIN TAYLOR ELLIS & ADAMS, P.C.

BY: 
Attorneys For Ohio Radio
Associates, Inc.

pmh/styl1/sty200
12269.002

FM EXAMINERS

JUL 31 9 18 AM '92

RECEIVED

RECEIVED

JUL 29 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In Re Application of:)

DAVID A. RINGER)

File No. BPH-911230MA)

Application for Construction)
Permit for a new FM station,)
Channel 280A, Westerville,)
Ohio)

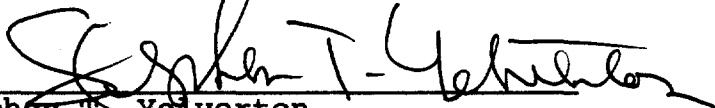
To: Chief Audio Services

ORA submits this supplement to report a recent Commission decision reaffirming the policy of dismissal of short-spaced applicants in comparative hearings where fully-spaced and technically suitable tower sites are not shown to be unavailable. Jemez Mountain Broadcasters, FCC 92-273, paras. 2 and 12, rel. July 1, 1992. Although this case involved a waiver of Section 73.207 and the Commission now allows short-spaced applicants to be processed under Section 73.215¹ without the need for a formal waiver under Section 73.207, this does not change the result. In MM Docket No. 87-121, 6 FCC Rcd. 5356 (1991), the Commission ruled that applications would be granted under Section 73.215 only in those exceptional circumstances where no fully-spaced tower sites are available and only in cases of necessity. Supra, 5360, at para. 27. Ringer, of course, can make no such showing.

WHEREFORE, in view of the foregoing, ORA requests that the Commission deny and dismiss the application of Ringer.

Respectfully submitted,

MAUPIN TAYLOR ELIIS & ADAMS, P.C.

By: 
Stephen T. Yelverton
Attorneys for Ohio Radio
Associates, Inc.
1130 Connecticut Avenue, N.W.
Suite 750
Washington, D.C. 20036-3904
Telephone: (202) 429-8910

July 29, 1992
pmh/styl/sty200
12269.002

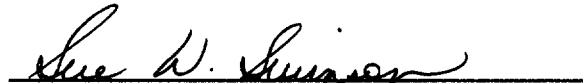
¹Ringer requests processing under Section 73.215.

CERTIFICATE OF SERVICE

I, Sue W. Swinson, a secretary in the law offices of Maupin Taylor Ellis & Adams, P.C., do hereby certify that on this 29th day of July, 1992, I have caused to be hand delivered or mailed, U.S. mail, postage prepaid, a copy of the foregoing "Supplement to Deny and Dismiss the Application of David A. Ringer" to the following:

Dennis Williams, Chief*
FM Branch
Room 332
Federal Communications Commission
Washington, D.C. 20554

Arthur V. Belenduik, Esquire
Smithwick & Belenduik, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
Counsel for David A. Ringer


Sue W. Swinson

Hand Delivery*

pmh/sty1/sty200
12269.002